

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

HOME INSTEAD, INC.,)	
)	
Plaintiff,)	8:05CV237
)	
vs.)	ORDER
)	
WILLIAM P. VELEZ, LYNNE A. VELEZ)	
and BILLYNNE PROPERTIES, INC.,)	
)	
Defendants.)	

This matter is before the court on the motion of Connie G. Jolly, Jr. and Craig S. Hilliard to withdraw as counsel for the individual defendants, William P. Velez and Lynne A. Velez (Filing No. 35). The movants state that a conflict has arisen and cannot be resolved. The motion did not reflect that it was served on the individual defendants as required by NEGenR 1.3(f). On August 11, 2005, the court ordered the movants to serve the defendants with a copy of the order and the instant motion (Filing No. 36). The court further ordered the individual defendants, William P. Velez and Lynne A. Velez, to respond by September 12, 2005, to avoid being considered *pro se*, and the corporate defendant, Billynne Properties, Inc., to have substitute counsel file an appearance or show cause why default should not be entered.

As to the corporate defendant, Billynne Properties, Inc., attorneys Connie G. Jolly, Jr. and Craig S. Hilliard filed a Notice of Continued Representation for Billynne Properties, Inc. (Filing No. 37). In such notice the attorneys state they will continue to represent Billynne Properties.

As to the individual defendants, William P. Velez and Lynne A. Velez, the movants filed proof of service of the court's August 11, 2005 Order on August 19, 2005 (Filing No. 39). No substitute counsel has filed an appearance for the individual defendants, nor did the individual defendants respond to the court's Order.

Upon consideration,

IT IS ORDERED:

1. The motion to withdraw as counsel for the individual defendants, William P. Velez and Lynne A. Velez, by Connie G. Jolly, Jr. and Craig S. Hilliard (Filing No. 35) is granted.

2. The Clerk of Court shall stop all electronic notices to Connie G. Jolly, Jr. and Craig S. Hilliard as to the individual defendants William P. Velez and Lynne A. Velez.

3. The individual defendants, William P. Velez and Lynne A. Velez, are considered proceeding *pro se* and counsel for the plaintiff may communicate with the individual defendants directly.

4. The Clerk of Court shall mail a copy of this order to William P. Velez and Lynne A. Velez:

William P. Velez and Lynne A. Velez
c/o Home Instead Senior Care
1901 N. Olden Ave., Ste. 6A
Ewing, NJ 08618

5. The individual defendants, William P. Velez and Lynne A. Velez, shall keep the court informed of their current address and telephone number at all times while this case is pending. The individual defendants shall notify the court of their current telephone number as soon as possible, but in any even **no later than September 28, 2005**, in writing.

6. Litigants in this district usually serve copies of motions and other documents on adverse parties by first class mail, postage prepaid. The individual defendants shall include with each original document submitted to the court a "**Certificate of Service**" stating the date a true and correct copy of such document was mailed to each other party or the attorney of a represented party. It is a violation of the rules of court to send communications to the court without serving a copy on the other parties to the case.

7. William P. Velez and Lynne A. Velez are advised that they are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court in the litigation of this case. The federal rules are available at any law library, and the local rules are available at the office of the Clerk of Court, and also on the court's web site at www.ned.uscourts.gov.

DATED this 13th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge